

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: YAN et al.

Art Unit: 1642

Serial No. 09/770,689

Examiner: K. Canella

Filed: January 29, 2001

Atty. Docket: CL001079

For: ISOLATED HUMAN RAS-LIKE  
PROTEINS, NUCLEIC ACID MOLECULES  
ENCODING THESE HUMAN RAS-LIKE  
PROTEINS, AND USES THEREOF

**Statement Regarding Duty Of Disclose Information Material To Patentability  
Under 37 CFR 1.56 (a) and (b)**

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

RECEIVED

APR 29 2002

TECH CENTER 1600/2900

Sir:

This statement is to inform the United States of Patent and Trademark Office that Applicants and their representative have made a good faith effort in searching prior art relating to this invention.

No prior art material to patentability of the present invention has been found. The closest information associated with the invention is disclosed in Figures 1 and 2 in the top BLAST search results. However, this information, by itself or in combination with other information, does not constitute a prima facie case of unpatentability of any of the pending claims. Thus, it does not defeat the novelty of the present invention and the actual underlying references for the top BLAST hits are not being provided.

Respectfully submitted,

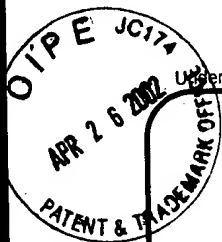
CELERA GENOMICS

Date: April 26, 2002

By: 

Justin D. Karjala, Reg No. 43,704

Celera Genomics Corporation  
45 West Gude Drive, C2-4#20  
Rockville, MD 20850  
Tel: 240-453-3812  
Fax: 240-453-3084



PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|                        |                    |
|------------------------|--------------------|
| Application Number     | 09/770,689         |
| Filing Date            | 01/29/2001         |
| First Named Inventor   | Chunhua YAN et al. |
| Group Art Unit         | 1642               |
| Examiner Name          | K. Canella         |
| Attorney Docket Number | CL001079           |

Total Number of Pages in This Submission

## ENCLOSURES (check all that apply)

|   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form no fee due<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Statement Regarding Duty of Disclosure |
|---|---|---|

RECEIVED

APR 29 2002

TECH CENTER 1600/2900

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |                                    |
|-------------------------|------------------------------------|
| Firm or Individual name | Justin D. Karjala, Reg. No. 43,704 |
| Signature               |                                    |
| Date                    | 04/26/2002                         |

## CERTIFICATE OF MAILING

|   |  |      |  |
|---|--|------|--|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <input type="text"/> |  |      |  |
| Typed or printed name   |  |      |  |
| Signature   |  | Date |  |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

**Complete if Known**

|                      |                    |
|----------------------|--------------------|
| Application Number   | 09/770,689         |
| Filing Date          | January 29, 2001   |
| First Named Inventor | Chunhua YAN et al. |
| Examiner Name        | K. Canella         |
| Group Art Unit       | 1642               |
| Attorney Docket No.  | CL001079           |

TOTAL AMOUNT OF PAYMENT

(\$)

0

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

50-0970

Deposit  
Account  
Name

Celera Genomics

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.  
See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check☐ Credit card☐ Money  
Order☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | Fee Description        | Fee Paid |
|---------------|---------------|---------------|---------------|------------------------|----------|
| 101           | 740           | 201           | 370           | Utility filing fee     |          |
| 106           | 330           | 206           | 165           | Design filing fee      |          |
| 107           | 510           | 207           | 255           | Plant filing fee       |          |
| 108           | 740           | 208           | 370           | Reissue filing fee     |          |
| 114           | 160           | 214           | 80            | Provisional filing fee |          |

SUBTOTAL (1) (\$)

0

**2. EXTRA CLAIM FEES**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 10                 | -20** = 0    | 18             | 0        |
| Independent Claims | 3 - 3** = 0  | 84             | 0        |
| Multiple Dependent |              | 270            | 0        |

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | Fee Description  | Fee Paid |
|---------------|---------------|---------------|---------------|--|----------|
| 103           | 18            | 203           | 9             | Claims in excess of 20                                     |          |
| 102           | 84            | 202           | 42            | Independent claims in excess of 3                          |          |
| 104           | 280           | 204           | 140           | Multiple dependent claim, if not paid                      |          |
| 109           | 84            | 209           | 42            | ** Reissue independent claims over original patent         |          |
| 110           | 18            | 210           | 9             | ** Reissue claims in excess of 20 and over original patent |          |

SUBTOTAL (2) (\$)

0

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |  |  |
|----------------------------|----------------------------|-----------------|----------|--|--|
| 105                        | 130                        | 205             | 65       | Surcharge - late filing fee or oath  |  |
| 127                        | 50                         | 227             | 25       | Surcharge - late provisional filing fee or cover sheet                     |  |
| 139                        | 130                        | 139             | 130      | Non-English specification  |  |
| 147                        | 2,520                      | 147             | 2,520    | For filing a request for ex parte reexamination                            |  |
| 112                        | 920*                       | 112             | 920*     | Requesting publication of SIR prior to Examiner action                     |  |
| 113                        | 1,840*                     | 113             | 1,840*   | Requesting publication of SIR after Examiner action                        |  |
| 115                        | 110                        | 215             | 55       | Extension for reply within first month                                     |  |
| 116                        | 400                        | 216             | 200      | Extension for reply within second month                                    |  |
| 117                        | 920                        | 217             | 460      | Extension for reply within third month                                     |  |
| 118                        | 1,440                      | 218             | 720      | Extension for reply within fourth month                                    |  |
| 128                        | 1,960                      | 228             | 980      | Extension for reply within fifth month                                     |  |
| 119                        | 320                        | 219             | 160      | Notice of Appeal   |  |
| 120                        | 320                        | 220             | 160      | Filing a brief in support of an appeal                                     |  |
| 121                        | 280                        | 221             | 140      | Request for oral hearing   |  |
| 138                        | 1,510                      | 138             | 1,510    | Petition to institute a public use proceeding                              |  |
| 140                        | 110                        | 240             | 55       | Petition to revive - unavoidable   |  |
| 141                        | 1,280                      | 241             | 640      | Petition to revive - unintentional   |  |
| 142                        | 1,280                      | 242             | 640      | Utility issue fee (or reissue)   |  |
| 143                        | 460                        | 243             | 230      | Design issue fee   |  |
| 144                        | 620                        | 244             | 310      | Plant issue fee  |  |
| 122                        | 130                        | 122             | 130      | Petitions to the Commissioner  |  |
| 123                        | 50                         | 123             | 50       | Processing fee under 37 CFR 1.17(q)  |  |
| 126                        | 180                        | 126             | 180      | Submission of Information Disclosure Stmt                                  |  |
| 581                        | 40                         | 581             | 40       | Recording each patent assignment per property (times number of properties) |  |
| 146                        | 740                        | 246             | 370      | Filing a submission after final rejection (37 CFR § 1.129(a))              |  |
| 149                        | 740                        | 249             | 370      | For each additional invention to be examined (37 CFR § 1.129(b))           |  |
| 179                        | 740                        | 279             | 370      | Request for Continued Examination (RCE)                                    |  |
| 169                        | 900                        | 169             | 900      | Request for expedited examination of a design application                  |  |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

0

**SUBMITTED BY**

Name (Print/Type) Justin D. Karjala

Registration No.  
(Attorney/Agent)

43,704

**Complete (if applicable)**

Telephone

240-453-3812

Signature

Date

26-Apr-02

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.